



Sen. Dan Cronin

Filed: 4/13/2010

09600SB0580sam003

LRB096 06644 RLJ 39886 a

1 AMENDMENT TO SENATE BILL 580

2 AMENDMENT NO. _____. Amend Senate Bill 580, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Counties Code is amended by changing
6 Sections 5-1012, 5-1024, and 5-15003 and by adding the heading
7 of Div. 5-43 and Sections 5-43000, 5-43005, 5-43010, 5-43015,
8 5-43020, 5-43025, 5-43030, 5-43035, 5-43040, 5-43045, 5-43050,
9 5-43055, 5-43060, and 5-43065 as follows:

10 (55 ILCS 5/5-1012) (from Ch. 34, par. 5-1012)

11 Sec. 5-1012. Issuance of county bonds. When the county
12 board of any county deems it necessary to issue county bonds to
13 enable them to perform any of the duties imposed upon them by
14 law, they may, by an order, entered of record, specifying the
15 amount of bonds required, and the object for which they are to
16 be issued, submit to the legal voters of their county, at any

1 election, the question of issuing such county bonds. The county
2 board shall certify the question to the proper election
3 officials who shall submit the question at an election in
4 accordance with the general election law. The amount of the
5 bonds so issued shall not exceed, including the then existing
6 indebtedness of the county, 5.75% of the value of such taxable
7 property of such county, as ascertained by the assessment for
8 the State and county tax for the preceding year or, until
9 January 1, 1983, if greater, the sum that is produced by
10 multiplying the county's 1978 equalized assessed valuation by
11 the debt limitation percentage in effect on January 1, 1979.
12 For the purposes of calculating the rate limitation, the amount
13 of any bonds or indebtedness transferred to a successor county
14 under Division 135 of the Illinois Municipal Code or the Water
15 Commission Act of 1985 pursuant to this amendatory Act of the
16 96th General Assembly shall be excluded. The proposition shall
17 be in substantially the following form: "For county bonds", or
18 "Against county bonds", and if a majority of the votes on that
19 question shall be "For county bonds", such county board may
20 issue such bonds in such denominations as the county board may
21 determine of not less than \$25 each, payable respectively, in
22 not less than one, nor more than 20 years, with interest
23 payable annually or semi-annually, at the rate of not more than
24 the greater of (i) the maximum rate authorized by the Bond
25 Authorization Act, as amended at the time of the making of the
26 contract, or (ii) 8% per annum. This Section shall not require

1 submission to the voters of the county of bond issues
2 authorized to be issued without such submission to the voters
3 under Section 5-1027 or 5-1062 or under Division 5-33, 6-6, 6-8
4 or 6-27 of this Code.

5 With respect to instruments for the payment of money issued
6 under this Section or its predecessor either before, on, or
7 after the effective date of Public Act 86-4, it is and always
8 has been the intention of the General Assembly (i) that the
9 Omnibus Bond Acts are and always have been supplementary grants
10 of power to issue instruments in accordance with the Omnibus
11 Bond Acts, regardless of any provision of this Act or "An Act
12 to revise the law in relation to counties", approved March 31,
13 1874, that may appear to be or to have been more restrictive
14 than those Acts, (ii) that the provisions of this Section or
15 its predecessor are not a limitation on the supplementary
16 authority granted by the Omnibus Bond Acts, and (iii) that
17 instruments issued under this Section or its predecessor within
18 the supplementary authority granted by the Omnibus Bond Acts
19 are not invalid because of any provision of this Act or "An Act
20 to revise the law in relation to counties", approved March 31,
21 1874, that may appear to be or to have been more restrictive
22 than those Acts.

23 (Source: P.A. 90-655, eff. 7-30-98.)

24 (55 ILCS 5/5-1024) (from Ch. 34, par. 5-1024)

25 Sec. 5-1024. Taxes. A county board may cause to be levied

1 and collected annually, except as hereinafter provided, taxes
2 for county purposes, including all purposes for which money may
3 be raised by the county by taxation, in counties having 80,000
4 or more but less than 3,000,000 inhabitants at a rate not
5 exceeding .25%, of the value as equalized or assessed by the
6 Department of Revenue; in counties with less than 80,000 but
7 more than 15,000 inhabitants at a rate not exceeding .27%, of
8 the value as equalized or assessed by the Department of
9 Revenue; in counties with less than 80,000 inhabitants which
10 have authorized a tax by referendum under Section 7-2 of the
11 Juvenile Court Act prior to the effective date of this
12 amendatory Act of 1985, at a rate not exceeding .32%, of the
13 value as equalized or assessed by the Department of Revenue;
14 and in counties with 15,000 or fewer inhabitants at a rate not
15 exceeding .37%, of the value as equalized or assessed by the
16 Department of Revenue; and in counties having 3,000,000 or more
17 inhabitants for each even numbered year, subject to the
18 abatement requirements hereinafter provided, at a rate not
19 exceeding .39% of the value, as equalized or assessed by the
20 Department of Revenue, and for each odd numbered year, subject
21 to the abatement requirements hereinafter provided, at a rate
22 not exceeding .35% of the value as equalized or assessed by the
23 Department of Revenue, except taxes for the payment of interest
24 on and principal of bonded indebtedness heretofore duly
25 authorized for the construction of State aid roads in the
26 county as defined in "An Act to revise the law in relation to

1 roads and bridges", approved June 27, 1913, or for the
2 construction of county highways as defined in the Illinois
3 Highway Code, and except taxes for the payment of interest on
4 and principal of bonded indebtedness duly authorized without a
5 vote of the people of the county, and except taxes authorized
6 as additional by a vote of the people of the county, and except
7 taxes for working cash fund purposes, and except taxes as
8 authorized by Sections 5-601, 5-602, 5-603, 5-604 and 6-512 of
9 the Illinois Highway Code, and except taxes authorized under
10 Section 7 of the Village Library Act, and except taxes levied
11 to pay the annual rent payments due under a lease entered into
12 by the county with a Public Building Commission as authorized
13 by Section 18 of the Public Building Commission Act, and except
14 taxes levied under Division 6-3, and except taxes levied for
15 general assistance for needy persons in counties under
16 commission form of government and except taxes levied under the
17 County Care for Persons with Developmental Disabilities Act,
18 and except taxes levied under the Community Mental Health Act,
19 and except taxes levied under Section 5-1025 to pay the
20 expenses of elections and except taxes levied under "An Act to
21 provide the manner of levying or imposing taxes for the
22 provision of special services to areas within the boundaries of
23 home rule units and non-home rule municipalities and counties",
24 approved September 21, 1973, and except taxes levied under
25 Section 3a of the Revenue Act of 1939 for the purposes of
26 helping to pay for the expenses of the assessor's office, and

1 except taxes levied under Division 5-21, and except taxes
2 levied pursuant to Section 19 of "The Illinois Emergency
3 Services and Disaster Agency Act of 1975", as now or hereafter
4 amended, and except taxes levied pursuant to Division 5-23, and
5 except taxes levied under Section 5 of the County Shelter Care
6 and Detention Home Act, and except taxes levied under the
7 Children's Advocacy Center Act, and except taxes levied under
8 Section 9-107 of the Local Governmental and Governmental
9 Employees Tort Immunity Act, and except taxes levied under
10 Section 2 of the Water Commission Act of 1985 by a successor
11 county as provided under Division 5-43 of the Counties Code.

12 Those taxes a county has levied and excepted from the rate
13 limitation imposed by this Section or Section 25.05 of "An Act
14 to revise the law in relation to counties", approved March 31,
15 1874, in reliance on this amendatory Act of 1994 are not
16 invalid because of any provision of this Section that may be
17 construed to or may have been construed to restrict or limit
18 those taxes levied and those taxes are hereby validated. This
19 validation of taxes levied applies to all cases pending on or
20 after the effective date of this amendatory Act of 1994.

21 Nothing contained in this amendatory Act of 1994 shall be
22 construed to affect the application of the Property Tax
23 Extension Limitation Law.

24 Any tax levied for general assistance for needy persons in
25 any county in addition to and in excess of the maximum levy
26 permitted by this Section for general county purposes shall be

1 paid into a special fund in the county treasury and used only
2 for the purposes for which it is levied except that any excess
3 in such fund over the amount needed for general assistance may
4 be used for County Nursing Home purposes and shall not exceed
5 .10% of the value, as equalized or assessed by the Department
6 of Revenue. Any taxes levied for general assistance pursuant to
7 this Section may also be used for the payment of warrants
8 issued against and in anticipation of such taxes and accrued
9 interest thereon and may also be used for the payment of costs
10 of administering such general assistance.

11 In counties having 3,000,000 or more inhabitants, taxes
12 levied for any year for any purpose or purposes, except amounts
13 levied for the payment of bonded indebtedness or interest
14 thereon and for pension fund purpose, and except taxes levied
15 to pay the annual rent payments due under a lease entered into
16 by the county with a Public Building Commission as authorized
17 by Section 18 of the Public Building Commission Act, are
18 subject to the limitation that they shall not exceed the
19 estimated amount of taxes to be levied for the year for the
20 purpose or purposes as determined in accordance with Section
21 6-24001 and set forth in the annual appropriation bill of the
22 county and in ascertaining the rate per cent that will produce
23 the amount of any tax levied in any county, the county clerk
24 shall not add to the tax or rate any sum or amount to cover the
25 loss and cost of collecting the tax, except in the case of
26 amounts levied for the payment of bonded indebtedness or

1 interest thereon, and in the case of amounts levied for pension
2 fund purposes, and except taxes levied to pay the annual rent
3 payments due under a lease entered into by the county with a
4 Public Building Commission as authorized by Section 18 of the
5 Public Building Commission Act.

6 In counties having a population of 3,000,000 or more
7 inhabitants, the county clerk shall in each even numbered year,
8 before extending the county tax for the year, reduce the levy
9 for county purposes for the year (exclusive of levies for
10 payment of indebtedness and payment of interest on and
11 principal of bonded indebtedness as aforesaid, and exclusive of
12 county highway taxes as aforesaid, and exclusive of pension
13 fund taxes, and except taxes levied to pay the annual rent
14 payments due under a lease entered into by the county with a
15 Public Building Commission as authorized by Section 18 of the
16 Public Building Commission Act) in the manner described and in
17 an amount to be determined as follows: If the amount received
18 from the collection of the tax levied in the last preceding
19 even numbered year for county purposes as aforesaid, as shown
20 by the county treasurer's final settlement for the last
21 preceding even numbered year and also by subsequent receipts of
22 delinquent taxes for the county purposes fund levied for the
23 last preceding even numbered year, equals or exceeds the amount
24 produced by multiplying the rate extended for the county
25 purposes for the last preceding even numbered year by the total
26 assessed valuation of all property in the county used in the

1 year for purposes of state and county taxes, and by deducting
2 therefrom the amount appropriated to cover the loss and cost of
3 collecting taxes to be levied for the county purposes fund for
4 the last preceding even numbered year, the clerk in determining
5 the rate per cent to be extended for the county purposes fund
6 shall deduct from the amount of the levy certified to him for
7 county purposes as aforesaid for even numbered years the amount
8 received by the county clerk or withheld by the county
9 treasurer from other municipal corporations within the county
10 as their pro rata share of election expenses for the last
11 preceding even numbered year, as authorized in Sections 13-11,
12 13-12, 13-13 and 16-2 of the Election Code, and the clerk in
13 these counties shall extend only the net amount remaining after
14 such deductions.

15 The foregoing limitations upon tax rates, insofar as they
16 are applicable to counties having less than 3,000,000
17 inhabitants, may be increased or decreased under the referendum
18 provisions of the General Revenue Law of Illinois and there
19 shall be no limit on the rate of tax for county purposes that
20 may be levied by a county so long as any increase in the rate is
21 authorized by referendum in that county.

22 Any county having a population of less than 3,000,000
23 inhabitants that has determined to change its fiscal year may,
24 as a means of effectuating a change, instead of levying taxes
25 for a one-year period, levy taxes for a period greater or less
26 than a year as may be necessary.

1 In counties having less than 3,000,000 inhabitants, in
2 ascertaining the rate per cent that will produce the amount of
3 any tax levied in that county, the County Clerk shall not add
4 to the tax or rate any sum or amount to cover the loss and cost
5 of collecting the tax except in the case of amounts levied for
6 the payment of bonded indebtedness or interest thereon and in
7 the case of amounts levied for pension fund purposes and except
8 taxes levied to pay the annual rent payments due under a lease
9 entered into by the county with a Public Building Commission as
10 authorized by Section 18 of the Public Building Commission Act.

11 A county shall not have its maximum tax rate reduced as a
12 result of a population increase indicated by the 1980 federal
13 census.

14 (Source: P.A. 91-51, eff. 6-30-99.)

15 (55 ILCS 5/5-15003) (from Ch. 34, par. 5-15003)

16 Sec. 5-15003. Department of public works. The county board
17 may establish a department of public works with authority to
18 exercise complete supervision in such county over any of the
19 projects authorized by this Division in either of the methods
20 designated hereafter.

21 A. The county board may employ a superintendent of public
22 works and such other employees for the administration of the
23 department as may be necessary. The superintendent shall be a
24 registered professional engineer and shall have complete
25 authority to supervise and manage the department; or

1 B. Each county public works department shall be managed by
2 a board of public works, consisting of 5 members appointed by
3 the President and Chairman of the county board, with the
4 approval of the county board, for a 3 year term, except that of
5 the first appointees, 2 shall serve for one year, 2 for 2
6 years, and one for 3 years. The term of office of original
7 appointees shall be regarded as beginning on July 1, following
8 their appointment, and the term of all members shall continue
9 until their successors are appointed. At least 2 members must
10 be elected officials of municipalities within the county whose
11 terms of office within the municipalities will not expire prior
12 to the termination of appointment hereunder, one member must be
13 a member of the county board whose term of office will not
14 expire prior to the termination of appointment hereunder, one
15 member must be a trustee of a Sanitary District within the
16 county whose term of office will not expire prior to the
17 termination of appointment hereunder, and one member must be
18 chosen to represent the Conservation and Public Health
19 interests. The members of the board shall receive compensation
20 as provided by the county board. The board of public works may
21 employ a superintendent of public works and any other employees
22 for the administration of the department as may be necessary.
23 The superintendent must be a registered professional engineer.
24 Any county may advance general funds for necessary studies or
25 engineering for a project to be financed by revenue bonds and
26 be reimbursed by the proceeds of such bonds. Any county may

1 purchase such bonds with funds derived solely from the County
2 Retailers Occupation Tax.

3 A county to which governance and legislative authority over
4 a water commission has been transferred and consolidated under
5 Division 5-43 shall, by ordinance, establish a Water
6 Distribution Committee. The Water Distribution Committee shall
7 consist of equal numbers of county board members and municipal
8 representatives from each county board district and any other
9 members as may be determined by the county and municipal
10 members.

11 The county board members shall be appointed as provided by
12 the rules of the county board. Municipal members from each
13 county board district or other represented area shall be
14 appointed by a majority vote of the mayors of those
15 municipalities that have the greatest percentage of their
16 respective populations residing in the county board district or
17 other represented area. Persons appointed to the Committee must
18 have knowledge of and experience in management, finance,
19 engineering, or other professional qualifications. All
20 municipal and county board representatives shall be entitled to
21 a vote. No Committee member shall receive a salary or
22 compensation for service other than as provided by rule of the
23 county board. Officers of the Committee shall include a chair
24 to be selected by the chairperson of the county board and a
25 vice-chair to be selected by the municipal representatives. The
26 county clerk and treasurer shall perform their respective

1 functions as for other county committees and departments.

2 The principal duties of the Water Distribution Committee
3 shall be to provide recommendations related to the exercise of
4 the county's powers vested in the county under Division 5-43
5 and shall have such direct administrative responsibilities
6 over the water distribution from the county distribution system
7 to the municipal water systems as shall be assigned by the
8 county board. The Water Distribution Committee shall have no
9 duties related to a county's public works water system, which
10 shall continue to be administered in accordance with paragraphs
11 A. or B. of this Section.

12 The Water Distribution Committee shall provide for the
13 proper and safe keeping of its permanent records and for the
14 recording of the corporate action of the Committee. The
15 Committee shall post on the county's official Internet website
16 the following records and information: (i) minutes of meetings,
17 (ii) contracts, (iii) purchase orders, (iv) advertisements for
18 bids, (v) and any vendor doing business with the Committee.

19 (Source: P.A. 86-962.)

20 (55 ILCS 5/Div. 5-43 heading new)

21 Division 5-43. Water Distribution Powers

22 (55 ILCS 5/5-43000 new)

23 Sec. 5-43000. Purpose and findings. It is the purpose of
24 this Division 5-43 to merge and consolidate county water

1 commissions created under the provisions of Division 135 of the
2 Illinois Municipal Code or the Water Commission Act of 1985 and
3 to transfer governance of those water commissions to the county
4 board of the primary county encompassing the municipality and
5 units of local government served by the county water
6 commission.

7 The General Assembly finds that numerous economic
8 challenges, unprecedented in scope and scale, confront the
9 State. The General Assembly also finds that the State has a
10 compelling interest in reducing the economic and
11 administrative inefficiencies resulting from multiple units of
12 local government conducting related public services. In
13 response to the realities of the current economic times, in an
14 effort to increase administrative efficiency, and in an effort
15 to reduce the multiplicity of units of local government
16 conducting related public services, this Division 5-43 is
17 intended to (i) preserve the separate and distinct public
18 service of a county water commission to assure the sufficient
19 and economic provision of a water distribution service within
20 those county-wide areas in need, (ii) assign, merge, and
21 consolidate governance and legislative authority assigned to
22 water commission boards to the county of primary location, and
23 (iii) maintain the independent power of municipalities to
24 provide for the retail distribution of water to their residents
25 and customers of their municipal waterworks systems.

26 The changes made by this amendatory Act of the 96th General

1 Assembly are intended to save costs by eliminating an
2 unnecessary additional level of government, make the
3 governance of the water distribution systems more responsive to
4 the electors and water users, serve more equitably the
5 municipalities receiving water, ensure the financial viability
6 of the water distribution systems, spread the costs of the
7 water distribution systems more equitably among the users,
8 ensure proper financial and operational oversight, and ensure
9 that government services are delivered in a transparent and
10 responsible manner.

11 It is not the intent of this amendatory Act of the 96th
12 General Assembly to change or permit the changing of any
13 financial covenants or obligations of a water commission
14 previously established under Division 135 of the Illinois
15 Municipal Code or the Water Commission Act of 1985.

16 (55 ILCS 5/5-43005 new)

17 Sec. 5-43005. Consolidation and reassignment of authority.
18 Each county that is the primary county served by a water
19 commission previously formed under Division 135 of the Illinois
20 Municipal Code or the Water Commission Act of 1985 is vested
21 with all powers vested in such water commissions whose
22 authority is abrogated under the provisions of this amendatory
23 Act of the 96th General Assembly. On and after December 1,
24 2010, all powers vested in such water commissioners or water
25 commissions with regard to the operation and maintenance of a

1 county water distribution system shall be exercised by the
2 county of primary service.

3 (55 ILCS 5/5-43010 new)

4 Sec. 5-43010. Binding actions. All acts lawfully done by or
5 in favor of any county water commission or water commission
6 corporate authority superseded by a successor county
7 government pursuant to the terms of this Division 5-43 shall be
8 valid and binding upon the respective parties affected by such
9 acts, except that the successor county shall be substituted in
10 lieu of the county water commission or water commission
11 corporate authority. This provision shall apply among other
12 things to contracts, grants, licenses, warrants, orders,
13 notices, assignments, and official bonds, but shall not affect
14 any existing or contingent rights of a county water commission
15 or water commission corporate authority to modify, revoke, or
16 rescind a contract, grant, license, warrant, order, notice,
17 assignment, or official bond. Any arrangement or agreement with
18 any other institution, agency, or association, public or
19 private, existing at the time this amendatory Act of the 96th
20 General Assembly takes effect shall not be impaired or
21 affected, but shall be continued in force by the provisions of
22 this Division 5-43.

23 (55 ILCS 5/5-43015 new)

24 Sec. 5-43015. Ordinances, orders, and resolutions.

1 (a) On December 1, 2010, the ordinances, orders, and
2 resolutions of a predecessor consolidated water commission
3 under this amendatory Act of the 96th General Assembly that
4 were in effect on November 30, 2010, and that pertain to the
5 assets, property, rights, powers, monetary indebtedness, and
6 functions transferred to the county served by the predecessor
7 consolidated water commission, shall become, with respect to
8 that territory, the ordinances, orders, and resolutions of the
9 county and shall continue in effect until amended or repealed
10 or expiration under this stated term, whichever occurs first.

11 (b) Any ordinances, orders, or resolutions pertaining to
12 the assets, property, rights, powers, monetary indebtedness,
13 and functions transferred to the county under this amendatory
14 Act of the 96th General Assembly that have been proposed by a
15 predecessor consolidated water commission, but have not taken
16 effect or been finally adopted by November 30, 2010 shall
17 become, with respect to that territory, the proposed
18 ordinances, orders, and resolutions of the successor county,
19 and any procedures that have already been completed by the
20 predecessor consolidated water commission for those proposed
21 ordinances, orders, or resolutions need not be repeated.

22 (55 ILCS 5/5-43020 new)

23 Sec. 5-43020. Savings provisions.

24 (a) The assets, property, rights, powers, monetary
25 indebtedness, and functions reassigned and consolidated for

1 governance to a successor county by this amendatory Act of the
2 96th General Assembly shall be vested in that county subject to
3 the provisions of this amendatory Act of the 96th General
4 Assembly. An act done by a predecessor consolidated water
5 commission with respect to the transferred assets, property,
6 rights, powers, monetary indebtedness, or functions shall have
7 the same legal effect as if done by the county. The county is
8 not liable for any act done by an officer, employee, or agent
9 of the predecessor consolidated water commission on or before
10 December 1, 2010, if the act was an individual or unofficial
11 act or an act outside of the scope of duties.

12 (b) The transfer of assets, property, rights, powers,
13 monetary indebtedness, and functions under this amendatory Act
14 of the 96th General Assembly does not invalidate any previous
15 action taken by or in respect to a predecessor consolidated
16 water commission or its officers, employees, or agents.
17 Reference to a predecessor consolidated water commission or to
18 its officers, employees, or agents in any document, contract,
19 agreement, or law shall, in appropriate contexts, be deemed to
20 refer to the county served by the predecessor consolidated
21 water commission.

22 (c) The transfer under this amendatory Act of the 96th
23 General Assembly of assets, property, rights, powers, monetary
24 indebtedness, and functions of a predecessor consolidated
25 water commission, does not affect any person's rights,
26 obligations, or duties, including any applicable civil or

1 criminal penalties arising out of those transferred assets,
2 property, rights, powers, monetary indebtedness, and
3 functions.

4 (d) With respect to matters pertaining to an asset,
5 property, right, power, monetary indebtedness, or function
6 transferred to a county under this amendatory Act of the 96th
7 General Assembly:

8 (1) Beginning December 1, 2010, a report or notice that
9 was previously required to be made or given by any person
10 to a predecessor consolidated water commission or to any of
11 its officers, employees, or agents must be made or given in
12 the same manner to the county.

13 (2) Beginning December 1, 2010, a document that was
14 previously required to be furnished or served by any person
15 to or upon a predecessor consolidated water commission or
16 to or upon any of its officers, employees, or agents must
17 be furnished or served in the same manner to or upon the
18 county.

19 (e) This amendatory Act of the 96th General Assembly does
20 not affect any act done, ratified, or cancelled, or any right
21 occurring or established, or any action or proceeding had or
22 commenced in an administrative, civil, or criminal case before
23 December 1, 2010. Any such action or proceeding that pertains
24 to an asset, property, right, power, monetary indebtedness, or
25 function transferred to a county under this amendatory Act of
26 the 96th General Assembly, and that is pending on November 30,

1 2010, may be prosecuted, defended, or continued by the county.

2 (55 ILCS 5/5-43025 new)

3 Sec. 5-43025. Title to property and revenue maintained by
4 the county. Effective December 1, 2010, the title to all lands,
5 property, and funds of every description owned or held by a
6 county water commission superseded by a successor county shall
7 be vested in the successor county. Funds held by a superseded
8 county water commission or water commission corporate
9 authority for a particular purpose shall be set aside and used
10 by the successor county only for the purpose originally
11 designated.

12 Any surplus of such funds remaining after accomplishing
13 such purpose shall become a part of the water distribution
14 enterprise fund maintained by the successor county as set forth
15 in Section 5-43040.

16 Any property or funds held by any county water commission
17 or water commission corporate authority superseded by the
18 successor county upon any special expressed trust shall be held
19 by the successor county under that trust.

20 The proceeds of taxes and special assessments, lawfully
21 levied before this amendatory Act of the 96th General Assembly
22 takes effect, shall continue to be collected after the
23 effective date of this amendatory Act of the 96th General
24 Assembly in the name of the successor county, and shall be
25 applied to the purposes for which they were lawfully levied or

1 imposed.

2 Any surplus of such proceeds available after application to
3 and completion of such purposes shall become a part of the
4 water distribution enterprise fund maintained by the successor
5 county as set forth in Section 5-43040.

6 (55 ILCS 5/5-43030 new)

7 Sec. 5-43030. Water distribution and supply powers. On and
8 after December 1, 2010, all governance powers previously
9 delegated to a county water commission formed under Division
10 135 of the Illinois Municipal Code or the Water Commission Act
11 of 1985 are assigned to, transferred to, modified for, and
12 consolidated in the county board of the primary county served
13 by the water commission. As a result, the county shall have all
14 powers, functions, and taxing authority assigned to a water
15 commission formed under Division 135 of the Illinois Municipal
16 Code, as well as all other powers, functions, and taxing
17 authority assigned to a water commission formed under the Water
18 Commission Act of 1985, and counties to which such water
19 commission powers and authorities have been reassigned may rely
20 on Division 135 of the Illinois Municipal Code and the Water
21 Commission Act of 1985, as a delegation of additional State
22 authority to act.

23 A county served by a water commission where governance and
24 legislative authority have been consolidated and transferred
25 to the county under this amendatory Act of the 96th General

1 Assembly, shall assume the assets, property, powers, rights,
2 and monetary indebtedness of the predecessor consolidated
3 water commission, including, but not limited to:

4 (1) Authority to maintain and continue to collect any
5 property tax levy or sales tax lawfully approved by the
6 predecessor consolidated water commission prior to the
7 effective date of this amendatory Act of the 96th General
8 Assembly.

9 (2) Authority to impose and receive those property
10 taxes and occupation and use taxes authorized in Sections
11 2, 4, and 5 of the Water Commission Act of 1985.

12 (3) Authority to assume the succeeding interest in the
13 Great Lakes water allocation assigned by the Illinois
14 Department of Natural Resources to the predecessor
15 consolidated water commission.

16 (4) Authority to exercise those powers delegated to
17 water commissions under Division 135 of the Illinois
18 Municipal Code or the Water Commission Act of 1985, within
19 the territory authorized by those Acts, notwithstanding
20 that some of the territory may lie outside of the county.

21 (55 ILCS 5/5-43035 new)

22 Sec. 5-43035. Annual audit. The county auditor shall
23 annually audit all county accounts related to the exercise of
24 the water distribution powers vested in a successor county by
25 this amendatory Act of the 96th General Assembly and shall post

1 the annual audit on the county's official Internet website. The
2 annual audit shall address the county water distribution system
3 and any waterworks systems operated by county public works as
4 separate enterprises. The annual audit required under this
5 Section must provide a transparent record of revenue received,
6 expenses incurred, taxes levied, debt incurred, and capital
7 reserves maintained in a manner that recognizes the separate
8 and distinct function of the water distribution system and
9 public works waterworks systems.

10 (55 ILCS 5/5-43040 new)

11 Sec. 5-43040. Water distribution enterprise fund. On
12 December 1, 2010, a successor county vested with the powers of
13 a county water commission under this amendatory Act of the 96th
14 General Assembly shall establish a water distribution
15 enterprise fund. All moneys transferred from a water commission
16 to a successor county shall, for accounting purposes, be stated
17 separately within the water distribution enterprise fund. The
18 water distribution enterprise fund may include sub-funds for
19 bond repayment and any other purposes as deemed useful for
20 management purposes. All revenues received from property tax
21 levies, occupation and use taxes imposed by the predecessor
22 consolidated water commission, and rates and fees charged to
23 the municipal customers of the county water distribution system
24 shall be stated separately within the water distribution
25 enterprise fund. Any surplus remaining after full payment of

1 indebtedness, capital reserves, and expenses of the water
2 distribution system shall not be transferred to the common fund
3 as provided in Section 5-1011, but shall remain in the water
4 distribution enterprise fund.

5 Any county water fund existing on November 30, 2010, that
6 was intended to state or hold revenues received from, or
7 dedicated to, future expenses of a county public works
8 waterworks system providing retail service to areas of that
9 county shall be maintained after December 1, 2010 as a fund
10 separate and distinct from the water distribution enterprise
11 fund. The revenues, expenses, and capital reserves of the
12 county water distribution system shall be accounted for
13 separately from the revenues, expenses, and capital reserves of
14 any public works retail waterworks system.

15 (55 ILCS 5/5-43045 new)

16 Sec. 5-43045. Water rate authority. A county that becomes a
17 successor in governance to a predecessor consolidated water
18 commission under this amendatory Act of the 96th General
19 Assembly, that also has a county public works department
20 operating waterworks systems providing retail water
21 distribution service to residents or businesses, or both, must
22 operate a water distribution system to convey and provide water
23 to multiple municipalities, units of local government, and
24 private utility companies (known as "water distribution
25 service"), and also a public works waterworks system that

1 provides retail water service direct to end use customers
2 (known as "retail water service"). The water rates charged for
3 water distribution service shall be established as follows:

4 (1) The county shall charge its water distribution
5 customers a rate that is equal to or reasonably exceeds its
6 bulk water purchase rate to pay for the reasonable costs of
7 operation, debt servicing obligations, capitol reserves,
8 or its water distribution supply system.

9 (2) The rate charged by the county for water
10 distribution service shall increase in an amount equal to
11 any increase charged to the county for the purchase of bulk
12 water to be distributed, and such increase charged shall
13 automatically become effective without county action no
14 later than one month after the purchase rate increase takes
15 effect.

16 (3) Under no circumstance may the county charge a rate
17 less than the rate of the bulk water purchased by the
18 county for the water distribution service.

19 (4) If the water distribution rate in effect on
20 December 1, 2010 is less than the bulk purchase rate, then
21 the rate shall be immediately adjusted as set forth in this
22 Section.

23 Water rates for retail water service direct to end use
24 customers of any county public works retail water service
25 system operated by the county shall be established in
26 accordance with applicable State law by the county board.

1 (55 ILCS 5/5-43050 new)

2 Sec. 5-43050. Preparation and transition costs. All
3 reasonable costs incurred by a county in preparation for the
4 succession of authority and consolidation of power from a
5 county water commission under this amendatory Act of the 96th
6 General Assembly and in transition to the exercise of the
7 powers and duties provided in this Division 5-43 shall be paid
8 by or reimbursed from the assets and revenue of the predecessor
9 consolidated water commission and shall be deemed proper costs
10 attributable to water distribution supply systems.

11 (55 ILCS 5/5-43055 new)

12 Sec. 5-43055. Water service for unincorporated areas. A
13 successor county may require as a condition of a new or
14 existing water supply contract that a municipality provide
15 water to unincorporated areas of the county that adjoin that
16 municipality.

17 (55 ILCS 5/5-43060 new)

18 Sec. 5-43060. Cross references. Beginning on December 1,
19 2010, all references in other statutes including Division 135
20 of the Municipal Code and the Water Commission Act of 1985,
21 however phrased, to a water commission consolidated under this
22 amendatory Act of the 96th General Assembly, shall be
23 references to the county in its capacity as successor to the

1 predecessor consolidated water commission.

2 (55 ILCS 5/5-43065 new)

3 Sec. 5-43065. Home rule. A home rule unit may not regulate
4 its water systems in a manner that is inconsistent with the
5 provisions of this amendatory Act of the 96th General Assembly.
6 This Section is a limitation under subsection (i) of Section 6
7 of Article VII of the Illinois Constitution on the concurrent
8 exercise by home rule units of powers and functions exercised
9 by the State.

10 Section 10. The Illinois Municipal Code is amended by
11 adding Sections 11-135-15 and 11-135-20

12 (65 ILCS 5/11-135-15 new)

13 Sec. 11-135-15. Purpose. It is the purpose of this
14 amendatory Act of the 96th General Assembly to abrogate the
15 powers of water commissions created by this Act and to
16 consolidate and reassign those powers to the respective primary
17 counties that are served by those water commissions. The
18 purposes and goals of this amendatory Act of the 96th General
19 Assembly are further reflected and incorporated in Division
20 5-43 of the Counties Code.

21 (65 ILCS 5/11-135-20 new)

22 Sec. 11-135-20. Consolidation and abrogation of power.

1 Notwithstanding any provision of law to the contrary, the
2 powers previously assigned to water commissions under this Act
3 and the Water Commission Act of 1985 are abrogated, reassigned,
4 and consolidated to the primary county serviced by such water
5 commission on December 10, 2010. The terms of abrogation,
6 reassignment, and consolidation are as set forth in Division
7 5-43 of the Counties Code.

8 Section 15. The Water Commission Act of 1985 is amended by
9 adding Sections 0.001 and 0.001a as follows:

10 (70 ILCS 3720/0.001 new)

11 Sec. 0.001. Purpose. It is the purpose of this amendatory
12 Act of the 96th General Assembly to abrogate the powers of
13 water commissions created by this Act and to consolidate and
14 reassign those powers to the respective primary counties that
15 are served by those water commissions. The purposes and goals
16 of this amendatory Act of the 96th General Assembly are further
17 reflected and incorporated in Division 5-43 of the Counties
18 Code.

19 (70 ILCS 3720/0.001a new)

20 Sec. 0.001a. Consolidation and abrogation of power.
21 Notwithstanding any provision of law to the contrary, the
22 powers previously assigned to water commissions under this Act
23 and Division 135 of the Illinois Municipal Code are abrogated,

1 reassigned, and consolidated to the primary county serviced by
2 such water commission on December 10, 2010. The terms of
3 abrogation, reassignment, and consolidation are as set forth in
4 Division 5-43 of the Counties Code.

5 Section 20. The State Mandates Act is amended by adding
6 Section 8.34 as follows:

7 (30 ILCS 805/8.34 new)

8 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 96th General Assembly.

12 Section 97. Severability. The provisions of this Act are
13 severable under Section 1.31 of the Statute on Statutes.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.".